

REMARKS

Claims 1-19 are now pending in this application. Claims 1-16 are rejected. Claims 3-6, 9, 10, 13 and 14 are objected to. New claims 17-19 are added. Claims 1-16 are amended herein to clarify the invention, to express the invention in alternative wording, to broaden language as deemed appropriate and to address matters of form unrelated to substantive patentability issues.

Applicant herein traverses and respectfully requests reconsideration of the rejection of the claims cited in the above-referenced Office Action.

Claims 1-16 are rejected as indefinite under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter of the invention as a result of informalities stated in the Office Action. The claims are amended to remove or correct the informalities noted in the Office Action. Therefore, reconsideration of the rejection of claims 1-16 and their allowance are earnestly requested.

Claims 1, 2, 7, 8, 11 and 15 are rejected under 35 U.S.C. § 102(b) as being anticipated by Keim et al. (US 5,603,984). Applicant herein respectfully traverses these rejections. “Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added). It is respectfully submitted that the cited reference is deficient with regard to the following.

Independent claim 1 recites in pertinent part the following:

a spraying place including at least one spraying nozzle;

an appropriating apparatus including structure defining at least one passage at which at least one spraying medium supplied thereto is made available to said spraying place; and

at least one control apparatus interposed between the appropriating apparatus and the spraying place, said control apparatus controlling supply of said at least one spraying medium from said appropriating apparatus to said at least one spraying nozzle

As claimed, a control apparatus controlling the supply of at least one spraying medium is interposed between the appropriating apparatus and the spraying place including the spraying nozzle. Applicant respectfully submits that Keim et al. is silent regarding such claimed feature. Reference numeral 18 is described in the disclosure of Keim et al. as referring to a spray tool of unitary construction, and having a plurality of conduits at which medium is made available to the six spray elements shown, for example, in Fig. 2. No control of the supply of these medium

is achieved by any operation of the spray tool 18, since each and every one of the conduits is assigned to a corresponding one of all spraying nozzles 20₁₋₆. Therefore, medium is simply made available to the nozzles, and offers no way of controlling a supply thereto to the various nozzles. Moreover, the Examiner has not identified in the Office Action any additional structural element referenced in the figures of Keim et al., in addition to the spray tool and the spraying nozzles, that could possibly be equated with the claimed control apparatus interposed in-between an apparatus where medium is made available from a supply and the nozzles supplied thereby.

In view of the above, it is respectfully submitted that claims 1, 2, 7, 8, 11 and 15 particularly describe and distinctly claim elements not disclosed in the cited reference. Therefore, reconsideration of the rejections of claims 1, 2, 7, 8, 11 and 15 and their allowance are respectfully requested.

Claim 12 is rejected as obvious over Keim et al. under 35 U.S.C. §103(a). The applicant herein respectfully traverses this rejection.

It is respectfully submitted that the Keim et al. reference cannot render the rejected claim obvious because the reference does not provide the teaching noted above with respect to the anticipation rejection of claim 1 from which claim 12 depends. Thus, the reference fails to teach or suggest all the claim limitations. Therefore, reconsideration of the rejection of claim 12 and its allowance are respectfully requested.

Claims 3-6, 9, 10, 13 and 14 are objected to as being dependent from rejected base claims. The Examiner indicates that the claims contain allowable subject matter and would be allowed if put in independent form incorporating the limitations of the base and intervening claims, and amended to address the rejections under 35 U.S.C. §112, second paragraph. The claims are amended in accordance with the Examiner's suggestion and to address the indefiniteness rejections, as noted above. Claims 3, 4, 9, 10 and 14 are placed in independent form, with the remaining objected to claims being dependent from respective ones thereof. Reconsideration of the objection and allowance of the claims are respectfully requested.

Dependent claims 17-19 are added and are submitted as patentable over the cited art of record based on the subject matter cited therein in addition to the subject matter of their respective base claims.

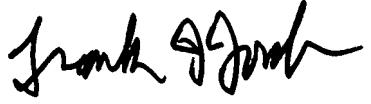
Three (3) further independent claims in excess of three are added. **The fee of \$630 for the claim(s) is provided for in the charge authorization presented in the PTO Form 2038, Credit Card Payment form, provided herewith.**

If there is any discrepancy between the fee(s) due and the fee payment authorized in the Credit Card Payment Form PTO-2038 or the Form PTO-2038 is missing or fee payment via the Form PTO-2038 cannot be processed, the USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,

JORDAN AND HAMBURG LLP

By 

Frank J. Jordan
Reg. No. 20,456
Attorney for Applicant

Jordan and Hamburg LLP
122 East 42nd Street
New York, New York 10168
(212) 986-2340

FJJ/LW/cj
Enc: Form PTO-2038